

**UNITED STATES DISTRICT COURT  
DISTRICT OF MAINE**

<b>HILARY PALENCAR,</b>	)	
	)	
<b>Plaintiff,</b>	)	
	)	
<b>v.</b>	)	
	)	<b>1:15-cv-00371-JDL</b>
<b>BRENDA THERIAULT, et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

**AMENDED ORDER ADOPTING THE RECOMMENDED DECISION OF THE  
MAGISTRATE JUDGE**

The United States Magistrate Judge filed his Recommended Decision (ECF No. 11) with the court on October 23, 2015, pursuant to 28 U.S.C. § 636(b)(1)(B) and Federal Rule of Civil Procedure 72(b). On December 1, 2015, I issued an order adopting the Recommended Decision and dismissing plaintiff's Complaint, after having noted that the time within which to file an Objection to the Recommended Decision had expired. ECF No. 12.

On December 2, 2015, the plaintiff, Hilary Palencar, filed a letter with the court (ECF No. 16) asserting she had timely filed an Objection to the Recommended Decision, but that the Clerk's Office had instructed her to submit it to a certain email address which turned out to be an incorrect email address. ECF No. 16 at 1. Along with her letter, Palencar also re-filed her Objection to the Recommended Decision. ECF No. 15.

I have carefully reviewed and considered Palencar's Objection. Palencar brought claims pursuant to the Federal Housing Act ("FHA"), 42 U.S.C.A. §§ 3601, *et*

*seq.* (2015), and the Americans With Disabilities Act (“ADA”), 29 U.S.C.A. § 794 (2015). She objects that the Magistrate Judge reviewed her FHA claim under a disparate impact theory, whereas she asserts that her claim was based upon a disparate treatment theory. ECF No. 15 at 1. However, Palencar neglects to mention that the Magistrate Judge also analyzed her FHA claim under a disparate treatment theory as well as a failure to accommodate theory, before finding that she failed to allege sufficient facts that would support claims of disparate impact, disparate treatment, or failure to accommodate under the FHA. ECF No. 11 at 7-8. I agree with this analysis and conclusion. I also agree with the Magistrate Judge that Palencar has failed to state a claim under the ADA. ECF No. 11 at 9.

It is therefore **ORDERED** that the Recommended Decision of the Magistrate Judge (ECF No. 11) is hereby **ADOPTED**. Palencar’s Complaint (ECF No. 1) is **DISMISSED** without service. This order supersedes the prior order (ECF No. 12) adopting the Magistrate Judge’s Recommended Decision.

**SO ORDERED.**

**Dated this 7th day of December 2015.**

/s/ JON D. LEVY  
**U.S. DISTRICT JUDGE**